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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,655	02/25/2005	Kouichi Nakaoji	SAEG180.001APC	7988
20995	7590	06/29/2007	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			CLARK, AMY LYNN	
2040 MAIN STREET			ART UNIT	PAPER NUMBER
FOURTEENTH FLOOR			1655	
IRVINE, CA 92614				
			NOTIFICATION DATE	DELIVERY MODE
			06/29/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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10-525655

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT PAPER

20070615

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Commissioner for Patents

Acknowledgment is made of the receipt and Applicant's amended claims filed on 04/13/2007. However, Applicant is not fully responsive to the previous Office Action mailed out on 11/16/2006 because the newly amended claims recite an invention that is different from the previously elected invention. Applicant had originally elected claims drawn to a hair growth stimulant for oral use comprising at least one member selected from the group consisting of plants of the genus Orthosiphon in the family Lamiaceae, plants of the genus Vitex L. in the family Verbenaceae, and extracts thereof, however, Applicant's new claims are drawn to an edible composition comprising: (a) an amount of at least one plant selected from the genus Orthosiphon in the family Laminaceae, or extract thereof, effective to stimulate hair growth upon ingestion; and (b) at least one edible ingredient added thereto. Please note that applicant's original claim recited a hair growth stimulant for oral use, which does not mean that the composition is a food. Please note that an oral composition is distinct from an edible composition because an oral composition is not necessarily a food, which an edible composition appears to be synonymous with. An oral composition could be a pharmaceutical tablet, lozenge or pill, which, while these dosage forms may be "edible", are not defined as an edible composition. Therefore, the Examiner objects to the way the claims have been rewritten. It is suggested that Applicant write the claims as "An hair growth stimulant comprising: (a) an amount of at least one plant selected from the genus Orthosiphon in the family Laminaceae, or extract thereof, effective to stimulate hair growth upon ingestion; and (b) at least one edible ingredient added thereto. wherein the composition is in the form of...". The fact that Applicant has also omitted the composition's intended use also poses potential written description problems.

Since the submission appears to be a bona fide attempt to provide a complete reply to the prior Office action, Applicant is given a shortened statutory period of ONE MONTH or THIRTY DAYS from the mailing date of this letter, whichever is longer, to submit a complete reply. This shortened statutory period for reply supersedes the time period set in the prior Office action. This time period may be extended pursuant to 37 CFR 1.136(a).

Michele C. Flood
MICHELE FLOOD
PRIMARY EXAMINER

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